

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

_____)
RICHARD LEE WILLIAMS,)

Petitioner,)

v.)

Civil Action No.: 2:14-cv-375

HAROLD W. CLARKE, Director,)
Virginia Department of Corrections,)

Respondent.)
_____)

FINAL ORDER

Before the Court is a Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 and the Respondent’s Motion to Dismiss the Petition. In his Petition, the *pro se* Petitioner claimed that he was denied effective assistance of trial counsel because of his counsel’s alleged failure to preserve the sufficiency of the evidence claim for appeal, to object to the admission of the certificate of analysis, and to object to the credibility of the confidential informant. ECF No. 1.

The matter was referred for disposition to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), Federal Rule of Civil Procedure 72(b), Eastern District of Virginia Local Civil Rule 72, and the April 2, 2002, Standing Order on Assignment of Certain Matters to United States Magistrate Judges. In a Report and Recommendation filed on September 2, 2015, the Magistrate Judge recommended that the Court grant the Motion to Dismiss and deny and dismiss the Petition with prejudice, finding the Petitioner’s claims to be procedurally barred. ECF No. 16. The parties were advised of their right to file written objections to the Report and Recommendation. Williams filed an Objection on September 14,

2015. ECF No. 17.

The Court, having reviewed the record and examined the objections filed by Petitioner to the Report and Recommendation, and having made *de novo* findings with respect to the portions objected to, does hereby **ADOPT** and **APPROVE** the findings and recommendations set forth in the Report and Recommendation filed September 2, 2015, ECF No. 16, in its entirety as the Court's own opinion. Accordingly, the Respondent's Motion to Dismiss, ECF No. 11, is **GRANTED**, and the Petition, ECF No. 1, is **DENIED** and **DISMISSED WITH PREJUDICE**. It is **ORDERED** that judgment be entered in favor of the Respondent.

The Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of the Court at the Walter E. Hoffman United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date judgment is entered. Because the Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b)(1), the Court declines to issue a certificate of appealability. *See Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

The Clerk is **DIRECTED** to forward a copy of this Order to the Petitioner and counsel of record for the Respondent.

It is so **ORDERED**.



Raymond A. Jackson
United States District Judge

Raymond A. Jackson
United States District Judge

Norfolk, Virginia

Date:

November 10, 2015